

REMARKS

A. Restriction and Amendments to Claims

As noted previously, amendment of claims 5 and 7 rendering claims 3-7 dependent on claim 2 is considered to render moot the restriction notice received from the Examiner. Withdrawal of the restriction notice is requested in view of the amendment and examination of the claims as-amended is respectfully requested.

In the alternative, a provisional election has been made with regard to claims 1, 2-4, with traverse. Claims 5-7 are all now dependent from claim 2 and the inventions recited therein inherently contain the limitations of claim 2, all of said claims further modifying independent claim 1. The Examiner's statement that the claimed subject matter in the sub-combination claims are "separately usable" or have "separate utility" in a system other than the disclosed combination appears to be strained and unrealistic.

The Examiner states that the invention of claims 5 and 6 have separate utility such as an aperture for a dispensing device. The simple fact of the matter is that, as now claimed, the aperture is claimed in combination with a connection part that is associated with the smoke detector apparatus recited in claim 1.

The Examiner's contention that the "aperture" could be used in a dispensing device begs the issue, as an aperture could be used in any conceivable apparatus needing a hole. The fact of the matter is that the thin metal-like aperture recited in claim 5 is associated with a connection part that forms a portion of a smoke detector recited in claim 1 and thus is intimately linked with the structure of both claims 1 and 2. Accordingly, it is respectfully submitted that claims 5 and 6 should be examined with claims 1-4.

With regard to claim 7, the recited "aspirator", according to the Examiner, could be separately usable, for example, in a pump for a liquid. Indeed, an aspirator alone hypothetically could be used in many environments, but claim 7 links the environment of the aspirator to the subject matter of claims 1 and 2 by reciting that the aspirator comprises a body part and a discharge part, both of which are intimately linked with the

smoke detector apparatus of claims 1 and 2. Accordingly, it is respectfully submitted that claim 7 should be examined with claims 1-6.

It is also pointed out that, in claims 5 and 6, the thin metal-like aperture is associated with the lead in tube recited in claim 1. It is incumbent upon the Examiner to describe how the metal-like aperture having a center diaphragm opening arranged almost on the center line of the lead-in tube would have separate utility.

Claim 6 likewise closely links the aperture diameter to the diameter of the lead-in tube recited in claim 1.

Claim 7 associates the "discharge part" of the aspirator with the lead-in tube recited in claim 1 as well as the expanded part recited in claim 2. Accordingly, the Examiner's contention that the aspirator of claim 7 has separate utility is not understood and the Examiner is requested to specifically explain how the aspirator associated with the lead-in tube and the expanded part of the smoke detector as recited in claims 1 and 2 could have separate utility.

B. Other Amendments to Claims and Description

As originally literally translated, the term "almost" is used as a descriptive term to denote substantially throughout the specification, abstract and claims. It is clear from the drawings and original written description that the term "almost" is not appropriate in the context of the subject matter of this application and that the term substantially more precisely represents the original intent of the Applicants in describing the subject matter of the patent application.

Accordingly, throughout the claims, written description and abstract the term "almost" has been changed to "substantially" to better convey the original intent of Applicants.

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No new matter has been introduced by the amendments.

Examination of the application as-amended is respectfully requested.

Respectfully submitted,

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